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STATE OF NEW YORK
Federal Communications Commission
Office of the Secretary

GEORGE E. PATAKI
GOVERNOR

September 28, 2004

Dear Chairman Powell:

I am writing to ask for your support of an issue that is critically important to investment and economic development in New York, and around the nation, "fiber-to-the-premises." This investment in fiber optics, delivered directly into homes and offices, offers the promise of very high-speed access to information, video and new interactive services to New Yorkers.

While companies are in the early phases of making these critical infrastructure investments in New York, among other places, current Federal rules place this investment at real risk. I am very concerned that if the current rules were to remain effective, companies might be forced to curtail or end plans to provide the most up to date technological improvements in New York and throughout the country. The FCC can help clear the way for this important technology roll out by ruling that companies offering fiber-to-the-premises do not have to offer unbundled access to competitors.

Importantly, the FCC rules mandating unbundled access to competitors are not universal. For example, companies do not have to offer unbundled access to fiber-to-the-premises technology in some states, particularly western ones, if operations in those states were never Bell companies. It is also noteworthy that cable companies, who are in direct competition with telecommunications companies to offer many of the same services described above, have no obligation to unbundle any portions of their broadband infrastructure.

The United States needs a consistent broadband policy that encourages corporations to invest wherever it can, including New York. An important step toward achieving this policy is for the FCC to grant Verizon's forbearance petition as it relates to fiber-to-the-premises technology.

Very truly yours

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D. C. 20554

